

IN THE SENATE

SENATE BILL NO. 1141, As Amended, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-104, IDAHO CODE, TO PROVIDE THAT THE FISH AND GAME COMMISSION MAY ESTABLISH PROCEDURES RELATING TO THE APPLICATION FOR THE PURCHASE OF CONTROLLED HUNT BONUS OR PREFERENCE POINTS BY SPORTSMEN AND TO REFERENCE CERTAIN FEES; AMENDING SECTION 36-416, IDAHO CODE, TO REVISE AND TO PROVIDE FOR LICENSE FEES; REPEALING SECTION 36-1104, IDAHO CODE, RELATING TO SPECIAL BEAVER TAGS; AMENDING SECTION 36-1104A, IDAHO CODE, TO DELETE REFERENCE TO LYNX TAGS AND FEES AND TO PROVIDE FOR OTTER TAGS AND FEES; STATING LEGISLATIVE INTENT RELATING TO CERTAIN MONITORING; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 36-104, Idaho Code, be, and the same is hereby amended to read as follows:

36-104. GENERAL POWERS AND DUTIES OF COMMISSION. (a) Organization – Meetings. The members of the commission shall annually meet at their offices and organize by electing from their membership a chairman, who shall hold office for a period of one (1) year, or until his successor has been duly elected. In addition to the regular annual meeting, to be held in January, said commission shall hold other regular quarterly meetings each year at such places within the state as the commission shall select for the transaction of business. Special meetings may be called at any time and place by the chairman or a majority of the members of the commission. Notice of the time, place and purpose of any and all special meetings shall be given by the secretary to each member of the commission prior to said meeting.

(b) Authorization for Commission Powers and Duties. For the purpose of administering the policy as declared in section 36-103, Idaho Code, the commission is hereby authorized and empowered to:

1. Investigate and find facts regarding the status of the state's wildlife populations in order to give effect to the policy of the state hereinbefore announced.

2. Hold hearings for the purpose of hearing testimony, considering evidence and determining the facts as to when the supply of any of the wildlife in this state will be injuriously affected by the taking thereof, or for the purpose of determining when an open season may be declared for the taking of wildlife. Whenever said commission determines that the supply of any particular species of wildlife is being, or will be, during any particular period of time, injuriously affected by depletion by permitting the same to be taken, or if it should find a longer or different season, or different bag limit should be adopted for the better protection thereof, or if it finds that an open season may be declared without endangering the supply thereof, then it shall make a rule or proclamation

1 embodying its findings in respect to when, under what circumstances, in which localities,
2 by what means, what sex, and in what amounts and numbers the wildlife of this state may
3 be taken.

4 3. Whenever it finds it necessary for the preservation, protection, or management of any
5 wildlife of this state, by reason of any act of God or any other sudden or unexpected
6 emergency, declare by temporary rule or proclamation the existence of such necessity, and
7 the cause thereof, and prescribe and designate all affected areas or streams, and close
8 the same to hunting, angling or trapping, or impose such restrictions and conditions upon
9 hunting, angling or trapping as said commission shall find to be necessary. Every such
10 temporary rule shall be made in accordance with the provisions of chapter 52, title 67,
11 Idaho Code.

12 4. At any time it shall deem necessary for the proper management of wildlife on any
13 game preserve in the state of Idaho, declare an open season in any game preserve as it
14 deems appropriate.

15 5. (A) Upon notice to the public, hold a public drawing giving to license holders, under
16 the wildlife laws of this state, the privilege of drawing by lot for a controlled hunt
17 permit authorizing the person to whom issued to hunt, kill, or attempt to kill any
18 species of wild animals or birds designated by the commission under such rules as
19 it shall prescribe.

20 (B) The commission may, under rules or proclamations as it may prescribe,
21 authorize the director to issue additional controlled hunt permits and collect fees
22 therefor authorizing landowners of property valuable for habitat or propagation
23 purposes of deer, elk or antelope, or the landowner's designated agent(s) to hunt
24 deer, elk or antelope in controlled hunts containing the eligible property owned by
25 those landowners in units where any permits for deer, elk or antelope are limited.

26 (C) A nonrefundable fee as specified in section 36-416, Idaho Code, shall be
27 charged each applicant for a controlled hunt permit. Successful applicants for
28 controlled hunt permits shall be charged the fee as specified in section 36-416,
29 Idaho Code. Additionally, a fee may be charged for telephone and credit card
30 orders in accordance with subsection (e)11. of section 36-106, Idaho Code. The
31 department shall include a checkoff form to allow applicants to designate one
32 dollar (\$1.00) of such nonrefundable application fee for transmittal to the reward
33 fund of citizens against poaching, inc., an Idaho nonprofit corporation. The net
34 proceeds from the nonrefundable fee shall be deposited in the fish and game
35 account and none of the net proceeds shall be used to purchase lands.

36 (D) The commission may by rule establish procedures relating to the application
37 for the purchase of controlled hunt bonus or preference points by sportsmen and
38 the fee for such application shall be as specified in section 36-416, Idaho Code.

39 6. Adopt rules pertaining to the importation, exportation, release, sale, possession or
40 transportation into, within or from the state of Idaho of any species of live, native or
41 exotic wildlife or any eggs thereof.

42 7. Acquire for and on behalf of the state of Idaho, by purchase, condemnation, lease,
43 agreement, gift, or other device, lands or waters suitable for the purposes hereinafter
44 enumerated in this paragraph. Whenever the commission proposes to purchase a tract
45 of land in excess of fifteen (15) acres, the commission shall notify the board of county
46 commissioners of the county where this land is located of the intended action. The

board of county commissioners shall have ten (10) days after official notification to notify the commission whether or not they desire the commission to hold a public hearing on the intended purchase in the county. The commission shall give serious consideration to all public input received at the public hearing before making a final decision on the proposed acquisition. Following any land purchase, the fish and game commission shall provide, upon request by the board of county commissioners, within one hundred twenty (120) days, a management plan for the area purchased that would address noxious weed control, fencing, water management and other important issues raised during the public hearing. When considering purchasing lands pursuant to this paragraph, the commission shall first make a good faith attempt to obtain a conservation easement, as provided in chapter 21, title 55, Idaho Code, before it may begin proceedings to purchase, condemn or otherwise acquire such lands. If the attempt to acquire a conservation easement is unsuccessful and the commission then purchases, condemns or otherwise acquires the lands, the commission shall record in writing the reasons why the attempt at acquiring the conservation easement was unsuccessful and then file the same in its records and in a report to the joint finance-appropriations committee. The commission shall develop, operate, and maintain the lands, waters or conservation easements for said purposes, which are hereby declared a public use:

- (A) For fish hatcheries, nursery ponds, or game animal or game bird farms;
- (B) For game, bird, fish or fur-bearing animal restoration, propagation or protection;
- (C) For public hunting, fishing or trapping areas to provide places where the public may fish, hunt, or trap in accordance with the provisions of law, or the regulation of the commission;
- (D) To extend and consolidate by exchange, lands or waters suitable for the above purposes.

8. Enter into cooperative agreements with educational institutions, and state, federal, or other agencies to promote wildlife research and to train students for wildlife management.

9. Enter into cooperative agreements with state and federal agencies, municipalities, corporations, organized groups of landowners, associations, and individuals for the development of wildlife rearing, propagating, management, protection and demonstration projects.

10. In the event owners or lawful possessors of land have restricted the operation of motor-propelled vehicles upon their land, the commission, upon consultation with all other potentially affected landowners, and having held a public hearing, if requested by not less than ten (10) residents of any county in which the land is located, may enter into cooperative agreements with those owners or possessors to enforce those restrictions when the restrictions protect wildlife or wildlife habitat. Provided, however, the commission shall not enter into such agreements for lands which either lie outside or are not adjacent to any adjoining the proclaimed boundaries of the national forests in Idaho.

- (A) The landowners, with the assistance of the department, shall cause notice of the restrictions, including the effective date thereof, to be posted on the main traveled roads entering the areas to which the restrictions apply. Provided, however, that nothing in this subsection shall allow the unlawful posting of signs or other information on or adjacent to public highways as defined in subsection (5) of section 40-109, Idaho Code.

(B) Nothing in this section authorizes the establishment of any restrictions that impede normal forest or range management operations.

(C) No person shall violate such restrictions on the use of motor-propelled vehicles or tear down or lay down any fencing or gates enclosing such a restricted area or remove, mutilate, damage or destroy any notices, signs or markers giving notice of such restrictions. The commission may promulgate rules to administer the restrictions and cooperative agreements addressed in this subsection.

11. Capture, propagate, transport, buy, sell or exchange any species of wildlife needed for propagation or stocking purposes, or to exercise control of undesirable species.

12. Adopt rules pertaining to the application for, issuance of and administration of a lifetime license certificate system.

13. Adopt rules governing the application and issuance of permits for and administration of fishing contests on waters under the jurisdiction of the state. The fee for each permit shall be as provided for in section 36-416, Idaho Code.

14. Adopt rules governing the application for and issuance of licenses by telephone and other electronic methods.

15. Enter into agreements with cities, counties, recreation districts or other political subdivisions for the lease of lands or waters, in accordance with all other applicable laws, including applicable provisions of titles 42 and 43, Idaho Code, to cost-effectively provide recreational opportunities for taxpayers or residents of those local governments or political subdivisions.

(c) Limitation on Powers. Nothing in this title shall be construed to authorize the commission to change any penalty prescribed by law for a violation of its provisions, or to change the amount of license fees or the authority conferred by licenses prescribed by law.

(d) Organization of Work. The commission shall organize the department, in accordance with the provisions of title 67, Idaho Code, into administrative units as may be necessary to efficiently administer said department. All employees of the department except the director shall be selected and appointed by the director in conformance with the provisions of chapter 53, title 67, Idaho Code.

SECTION 2. That Section 36-416, Idaho Code, be, and the same is hereby amended to read as follows:

36-416. SCHEDULE OF LICENSE FEES.

(a) Sport Licenses

License	Resident	Non-Resident
Combination License	\$ 31.75	\$ 198.00 <u>238.25</u>
Hunting License	11.00	139.75 <u>153.00</u>
Fishing License	24.00	80.25 <u>96.50</u>
Sr. Combination License (65 and Older)	10.00	N/A
Sportsman's Pak License	108.50	N/A
Jr. Combination License	15.75	N/A
Jr. Hunting License	5.50	N/A

1	Jr. Mentored Hunting License	N/A	5.50 30.00
2	Youth Small Game License	5.50	5.50 18.25
3	Youth Hunter Education		
4	Graduate Hunting License	3.25	3.25
5	Jr. Fishing License	12.00	12.00 20.00
6	Disabled Combination License	3.25	N/A
7	Disabled Fishing License	3.25	N/A
8	Military Furlough Combination License	15.75	N/A
9	Military Furlough Fishing License	15.75	N/A
10	Small Game Hunting License	N/A	80.00 96.00
11	Daily Fishing (1st-day) License	9.75	9.75 11.00
12	Consecutive Day Fishing License	5.00	5.00 6.00
13	3 Day Fishing with Salmon/Steelhead Permit	N/A	29.75 35.75
14	Nongame Hunting License	N/A	27.50 33.75
15	(b) Sport Tags		
16	Deer Tag	\$ 18.00	\$ 256.75 300.00
17	<u>Controlled Hunt Deer Tag</u>	<u>18.00</u>	<u>300.00</u>
18	Jr. or Sr. or Disabled American Veteran Deer Tag	9.00	N/A
19	Jr. Mentored Deer Tag	N/A	9.00 22.00
20	Elk <u>A</u> Tag	29.00	370.75 415.00
21	<u>Elk B Tag</u>	<u>29.00</u>	<u>415.00</u>
22	<u>Controlled Hunt Elk Tag</u>	<u>29.00</u>	<u>415.00</u>
23	Jr. or Sr. or Disabled American Veteran Elk Tag	14.75	N/A
24	Jr. Mentored Elk Tag	N/A	14.75 38.00
25	Bear Tag	9.75	150.00 184.25
26	Jr. or Sr. or Disabled American Veteran Bear Tag	5.00	N/A
27	Jr. Mentored Bear Tag	N/A	5.00 22.00
28	Turkey Tag	18.00	65.75 78.25
29	Jr. or Sr. or Disabled American		
30	Veteran Turkey Tag	9.00	N/A
31	Jr. Mentored Turkey Tag	N/A	9.00 18.00
32	Mountain Lion Tag	9.75	150.00 184.25
33	Gray Wolf Tag	9.75	150.00 184.25

1	Antelope Tag	29.50	256.75 <u>310.00</u>
2	Moose Tag	165.00	1,750.00 <u>2,100.00</u>
3	Sheep Tag	165.00	1,750.00 <u>2,100.00</u>
4	Goat Tag	165.00	1,750.00 <u>2,100.00</u>
5	Sandhill Crane Tag	18.00	65.75
6	(c) Sport Permits		
7	Bear Baiting Permit	\$ 11.00	\$ 11.00 <u>30.00</u>
8	Hound Hunter Permit	11.00	100.00 <u>168.00</u>
9	WMA Upland Game Bird Permit	22.00	22.00 <u>50.00</u>
10	Archery Permit	16.50	16.50 <u>18.25</u>
11	Muzzleloader Permit	16.50	16.50 <u>18.25</u>
12	Salmon Permit	11.00	11.00 <u>24.00</u>
13	Steelhead Permit	11.00	11.00 <u>24.00</u>
14	Federal Migratory Bird Harvest		
15	Info. Permit	0.00	0.00 <u>3.00</u>
16	Handicapped <u>Disabled</u>		
17	Archery Permit	0.00	0.00
18	2-Pole Fishing Permit	12.00	12.00 <u>13.75</u>
19	<u>Turkey</u> Controlled Hunt Permit	6.00	6.00
20	<u>Sage/Sharptail Grouse Permit</u>	<u>3.00</u>	<u>3.00</u>
21	<u>Disabled Hunt Motor</u>		
22	<u>Vehicle Permit</u>	<u>0.00</u>	<u>0.00</u>
23	(d) Commercial Licenses and Permits		
24	Raptor Captive Breeding Permit	\$ 65.75	\$ 65.75 <u>78.75</u>
25	Falconry Permit	27.25	N/A
26	Falconry Capture Permit	N/A	139.75 <u>168.00</u>
27	Jr. Trapping License	5.50	N/A
28	Trapping License	25.00	250.00 <u>300.00</u>
29	Taxidermist-Fur Buyer License		
30	5 year license	175.00	N/A

1	1 year license	38.25	439.00 168.25
2	Shooting Preserve Permit	329.75	N/A
3	Commercial Wildlife Farm License	137.50	N/A
4	Commercial Fishing License	110.00	220.00 265.00
5	Wholesale Steelhead License	165.00	465.00 198.25
6	Retail Steelhead Trout Buyer's License	33.00	33.00 39.25
7	(e) Commercial Tags		
8	Bobcat Tag	\$ 8.25 3.00	\$ 8.25 3.00
9	Lynx Tag	8.25	8.25
10	Beaver Tag	5.50	5.50
11	<u>Otter Tag</u>	<u>3.00</u>	<u>3.00</u>
12	Net Tag	55.00	55.00 65.75
13	Crayfish/Minnow Tag	1.25	4.25 3.00
14	(f) Miscellaneous-Other Licenses		
15	Duplicate License	\$ 5.50	\$ 5.50 6.50
16	Shooting Preserve License	11.00	41.00 22.00
17	Captive Wolf License	22.00	N/A
18	(g) Miscellaneous-Other Tags		
19	Duplicate Tag	\$ 5.50	\$ 5.50 6.50
20	Wild Bird Shooting Preserve Tag	5.50	5.50 6.50
21	(h) Miscellaneous-Other Permits-Points-Fees		
22	Falconry In-State Transfer Permit	\$ 5.50	\$ N/A
23	Falconry Meet Permit	N/A	21.75 26.25
24	<u>Rehab Permit</u>	<u>3.00</u>	<u>3.00</u>
25	<u>Educational Fishing Permit</u>	<u>0.00</u>	<u>0.00</u>
26	<u>Live Fish Importation Permit</u>	<u>3.00</u>	<u>3.00</u>
27	<u>Sport Dog and Falconry Training Permit</u>	<u>3.00</u>	<u>3.00</u>
28	<u>Wildlife Transport Permit</u>	<u>3.00</u>	<u>3.00</u>
29	<u>Scientific Collection Permit</u>	<u>50.00</u>	<u>50.00</u>
30	Private Park Permit	21.75	21.75 26.25
31	Wildlife Import Permit	21.75	21.75 26.25
32	Wildlife Export Permit	11.00	41.00 13.25
33	Wildlife Release Permit	11.00	41.00 13.25
34	Captive Wildlife Permit	21.75	21.75 26.25

1	Fishing Tournament Permit	21.75	21.75 25.00
2	Dog Field Trial Permit	33.00	33.00 40.00
3	Live Fish Transport Permit	21.75	21.75 26.25
4	Controlled Hunt Application Fee	4.50	4.50 13.00
5	<u>Fee for Application for the Purchase of Controlled</u>		
6	<u>Hunt Bonus or Preference Points</u>	<u>4.50</u>	<u>4.50</u>
7	Nursing Home Fishing Permit	33.00	N/A

8 SECTION 3. That Section [36-1104](#), Idaho Code, be, and the same is hereby repealed.

9 SECTION 4. That Section 36-1104A, Idaho Code, be, and the same is hereby amended
10 to read as follows:

11 36-1104A. SPECIAL BOBCAT OR ~~LYNX~~ OTTER EXPORT TAGS – FEE. The
12 commission may provide for, and regulate the issuance of, a special tag to be attached to the
13 hide of any bobcat or any ~~lynx~~ otter legally taken in the state of Idaho. A tag shall be authority
14 to export bobcat or ~~lynx~~ otter hides taken in Idaho as provided by regulation of the U.S. fish
15 and wildlife service.

16 The commission may set the price to be charged for such tags, at a cost not to exceed the
17 fee as specified in section 36-416, Idaho Code, per tag.

18 No export tag shall be issued for any bobcat or ~~lynx~~ otter hide not taken in Idaho.

19 SECTION 5. LEGISLATIVE INTENT. The Legislature recognizes a benefit to the
20 public from elk and mule deer population monitoring to assess abundance, sex ratios and
21 juvenile production and from studies to monitor survival and mortality factors of elk, deer
22 and moose. It is the intent of the Legislature that the Department of Fish and Game continue
23 to monitor and study populations of elk, deer and moose, including predation by wolves, to
24 provide this beneficial information.

25 SECTION 6. An emergency existing therefor, which emergency is hereby declared to
26 exist, this act shall be in full force and effect on and after April 15, 2009.